

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schuyler

Local Law No. 4 of the year 20¹⁰

A local law Repealing and Replacing Local Law No. 4 of the Year 1973 titled Public Entertainment
(Insert Title)
(Outdoor) – Regulation/Licensing

Be it enacted by the Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schuyler as follows:

Be it enacted by the Legislature of the County of Schuyler as follows:

§ 1-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DAY

Any 24 consecutive hours or less;

EVENT

Any outdoor public entertainment, amusement, or assembly of individuals within the County of Schuyler catering to the general public, but does not include a parade.

LICENSEE

Any person to whom a license has been issued and remains in effect pursuant to this chapter.

PERMANENT VENUE

A permanent structure or facility for the conduct of events, which has been built and maintained in accordance with the New York State Fire Prevention and Building Code;

PERSON

Any individual, corporation, organization or entity of any kind.

§ 1-3 Prohibitions; permit required.

It shall be unlawful for any person to organize, promote, conduct or cause to be conducted an event within the County of Schuyler, catering to the general public, which said person believes or has reason to believe will attract

(If additional space is needed, attach pages the same size as this sheet, and number each.)

20,000 or more persons unless a permit has first been obtained pursuant to this chapter for the operation of said outdoor public entertainment, amusement or assembly as provided by this chapter. Such permit shall be required for each such outdoor event.

§ 1-4 Filing of application; determination.

Written application for a permit for such outdoor event shall be made to the Schuyler County Legislature at least 90 days or more prior to the first day upon which said event is to be held. Determination granting or denying permits as herein provided for shall be made within 60 days after application therefor. No permits shall be granted unless the applicant complies with all requirements of this chapter and unless such permit is granted at least 30 days before the event. A determination of the application by the Schuyler County Legislature shall be in writing.

§ 1-5 Contents of application.

A.

Applications for such permit shall be by verified petition addressed to the Schuyler County Legislature and shall be filed in compliance with the provisions of § 1-4 of this chapter.

B.

Such application shall include the following material:

(1)

A statement of the name, age and residence address of the applicant; if applicant is a corporation, the name of the corporation, the names and addresses of directors, officers and stockholders owning 5% or more of the number of shares outstanding of each class of stock; if the applicant is a partnership or other organized group of individuals, the names, addresses and ages of each and every individual associated with the partnership or other entity.

(2)

A statement containing the name and address of the record owner of the property upon which the event is to occur and the nature and interest of the applicant therein; the names and addresses of all adjoining property owners; the proposed dates and hours of such event; the expected maximum number of persons intended to use the property at one time and collectively; the expected number of automobiles and other vehicles intended to use the property at one time and collectively; the purpose of the function, including the nature of the activities to be carried on and admission fees to be charged, if any.

(3)

An occupational survey map prepared by a professional engineer licensed by the State of New York showing the size of the property, the names of the record owners of the adjoining properties; the streets or highways abutting said property; the size and location of any existing building, buildings or structures or other facilities to be erected thereon for the purpose of the assembly; the placement of the proposed distribution system of water; the location of any parking areas for automobiles and other vehicles and the means of ingress and egress to such parking area; all service and other roads serving the camping area, food services, toilet facilities, garbage and refuse collection facilities and entertainment and performance areas; and the names and addresses of all concessionaires and other persons providing any service or facilities under contract, lease or other arrangement for the event.

(4)

A detailed plan and statement with drawings showing the methods to be used for the disposal of sanitary sewage.

(5)

A detailed plan and statement with drawings showing the distribution and supply system for supply, storage, treatment and distribution of drinking water.

(6)

A detailed plan and statement with drawings showing the layout of any parking area for automobiles and other vehicles and the methods of traffic control to be used thereon. Such parking area shall provide parking space of acceptable size for one motor vehicle for every four persons in attendance.

(7)

A detailed plan and statement with drawings showing the facilities for the preparation, storage, sale and distribution of food and the means of servicing such area. Such plan shall also detail the method and means of disposing of any

garbage, trash, rubbish or other refuse.

(8)

A detailed plan and statement fully describing any private security personnel who will be engaged by the applicant to serve on or about the site during the event and the qualifications and source of such personnel.

(9)

A detailed plan and statement providing for fire protection, specifying the location of fire lanes, water supply and equipment or apparatus to be available for such purposes.

(10)

A detailed plan and statement specifying the facilities to be available for medical, surgical, nursing and ambulance service. Applicant shall furnish to the Schuyler County Legislature the addresses of all doctors, nurses, pharmacists and ambulance services applicant will provide for event, prior to issuance of a permit.

(11)

A detailed description of all insurance policies and surety bonds to be provided by the application for the protection of the general public, the County of Schuyler and its various public bodies, and the town and village within which such event is to be held.

(12)

A verified statement from the landowner and the applicant to the town and village within which the event is held and the County of Schuyler to permit the town, village and county and their lawful agents to go upon the property for the purpose of inspecting the same to determine if there is compliance with the requirement of this chapter and the permit, if granted; providing adequate police and fire protection; and protecting persons and property from danger.

(13)

A verified statement that the applicant will specify in all advertising and promotional endeavors the limitation of the number of tickets to be sold or otherwise issued as specified in the permit.

§ 1-6 Insurance and sureties.

A.

A person wanting to conduct an event shall, no later than 45 days before the first scheduled day of the event, provide the county with a policy of insurance showing comprehensive liability coverage of not less than \$1,000,000 per occurrence and \$3,000,000 in the aggregate and naming the County and the town and village in which the event is to be held as additional insured. Each policy of insurance shall contain clauses to the effect that such insurance shall be primary without right of contribution of any other insurance made by or on behalf of the County with respect to its interest, and that it shall not be canceled, including, without limitation, for nonpayment of premium, or materially amended, without 30 days' prior written notice to the County, directed to the County Administrator's office.

B.

A person wanting to conduct an event shall, no later than 45 days before the first scheduled day of the event, deposit with the Schuyler County Treasurer cash or good surety company bond, approved by the County of Schuyler, in a sum not less than \$100,000 as the Legislature may reasonably require, to insure that no damage will be done to any public or private property and that the person conducting the event will not permit any litter, debris or other refuse from the event to remain upon any public or private property. The cash shall be refunded or surety company bond canceled upon certification by the County Administrator that all conditions of this chapter have been complied with following the event. Such surety bond or cash shall serve as an indemnity to save and protect the streets, pavements, bridges, road signs and other property of the County of Schuyler and the town and village within which such event is to be held, and any other town and village within the county, from any and all damage that may be caused by vehicles, employees or participants in such event and to be used, if necessary, to restore the ground where such event is held to a sanitary condition and pay all charges and losses to the County and its respective towns and villages for damages to streets, pavements, bridges and other property, including reimbursement for Schuyler County Sheriff personnel. No such bond may be cancelable unless on 30 days' written notice to the county; and no such bond shall be cancelable or canceled until a replacement or equivalent bond or better is in effect prior to the cancellation. In no event shall any bond be canceled or cancelable less than thirty days prior to the first day of the event. If the event or

its preparation, termination, clean-up or other consequences of the event necessitate the employment of county, town or village personnel or equipment or outside personnel or equipment by such county, town or village, such expense shall be recoverable from the principal and/or its surety. The deposit or its balance is to be returned when the County Administrator has determined that no such damage has been done and that the County did not incur such additional expense due to the event or that the costs of the above have been paid by the person conducting the event.

§ 1-7 Granting of permit.

A.

~~If a permit is approved by the Schuyler County Legislature~~, such permit shall set forth the maximum number of persons to be permitted to attend the event. The Schuyler County Legislature, in determining such maximum limit, shall take into consideration the capacity of the site and of available public highways, and parking facilities, and other means of transportation to and from the site. The applicant shall limit all ticket sales to such maximum number and shall include such limitation in all advertising. Applicant shall specify in all advertising and promotional endeavors the limitation on number of tickets to be sold or otherwise issued. A permit must be approved by resolution of the Schuyler County Legislature and signed by the County Administrator and County Attorney.

B.

A permit will be approved by the Schuyler County Legislature if the application provides the materials mandated by this chapter and if, no later than 30 days prior to the first scheduled day of the event, the applicant files with the Schuyler County Legislature the following:

(1)

✓ All required New York State Department of Health permits.

(2)

✓ Proof that the applicant has complied with the New York State Environmental Quality Review Act.

(3)

Proof that the applicant has complied with all other applicable New York State, federal and local laws and regulations.

(4)

Proof that the applicant complies with the requirement that the event will be held on a parcel or parcels of property adequately sized to accommodate the individuals anticipated to attend the event.

§ 1-8 Fees.

A.

The application form required by § 1-5 of this chapter shall be accompanied by a nonrefundable fee as stated herein below. Such fee may be changed from time to time by resolution of the County Legislature.

B.

If the County is the lead agency for SEQRA purposes for any event, the person filing the application form shall, upon receiving notification from the county that the county is the lead agency, pay the county the sum of \$25,000 to compensate the county for expenses incurred in processing the application and in acting as lead agency, and shall reimburse the County for any such expenses incurred above that amount through use of the county's own personnel, through consultants for legal, engineering, public safety, technical or other matter relating to the SEQRA process, or other related expenses.

C.

If the county is not the lead agency, then the applicant shall be required to pay to the county the sum of \$5,000 to compensate the county for its expenses in processing the application, and shall reimburse the county for any such expenses incurred above that amount through use of the County's own personnel or through consultants for legal, engineering, public safety, technical or other matters relating to the SEQRA process, or other related expenses.

§ 1-9 Indemnification.

A person conducting an event shall, not less than 45 days prior to the first scheduled day of the event, sign an agreement to defend and indemnify the county and the town and village in which the event is to take place against all claims that may arise as a result of the event.

§ 1-10 Denial of permit.

The permit shall not be granted if any of the items set forth in said application are determined by the Schuyler County Legislature to be insufficient to properly safeguard the safety, health, welfare and well being of persons or property, or do not comply with any of the requirements of this chapter, or are knowingly false, misleading or fraudulent.

§ 1-11 Suspension or revocation of permit.

If, after a permit is issued, the Schuyler County Legislature determines that any of the items required as a condition of the permit is not adhered to or accomplished within the required time limits, or if any of the contracts, leases or other arrangements for provision of services and facilities, or any insurance or surety bond, shall become insufficient or terminated prior to completion of the event, or if the application is found to be false, misleading or fraudulent, in whole or in part, or if it is determined to be necessary to preserve the health, safety and/or welfare of persons or property, then this permit may immediately thereupon be suspended or revoked by resolution of the Schuyler County Legislature.

§ 1-12 Enforcement; penalties for offenses.

A.

Any person, persons, corporation, organization, landowner or lessee who shall organize, promote, conduct or cause to be conducted an outdoor event within the County of Schuyler catering to the general public for which said person, persons, corporation, organization, landowner or lessee believes or has reason to believe will attract 20,000 or more persons or which does in fact attract 20,000 or more persons, without having a current, written permit, issued in accordance with the provisions of this chapter, shall be deemed to have violated this chapter. Any person who commits or permits any act in violation of any of the provisions of this chapter shall be deemed to have violated this chapter and shall be liable for the penalties provided. A separate offense against this chapter shall be deemed committed on each day during or on which the violation occurs or continues. A separate penalty may be imposed for each separate offense.

B.

Each violation of a provision of this chapter shall be subject to a fine of up to \$10,000 for each occurrence.

C.

The civil penalty and/or fine may be deducted from the bond or cash deposit, at the county's discretion.

D.

In addition to the above-provided penalties, the Schuyler County Legislature may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by temporary restraining order and/or by injunction the violation of this chapter.

E.

County officials shall have the right to inspect the premises at any time to ensure proper issuance of the permit, and at all times thereafter.

§ 1-13 Series permit.

The county may issue a single permit for a series of events in one calendar year by an applicant, upon compliance with this within local law, plus a showing that all of the events scheduled or anticipated to be scheduled will comply with the statute and will not deviate from the representations filed with the Schuyler County Legislature in the application form.

§ 1-14 Permanent venues.

A.

Information to be submitted.

(1)

An applicant for a permanent venue permit shall comply with the application process hereinabove or, in lieu thereof, shall provide the County Administrator with copies of all submissions made to state and local agencies during the approval and SEQRA process and shall submit proof to the County Attorney that:

(a)

All required New York State permits, including, but not limited to, New York State Department of Health permits, have been obtained and are in effect;

(b)

All required town or village permits or approvals, including, but not limited to, permits or approvals that may be required from a Planning Board or Zoning Board of Appeals, have been obtained and are in effect. Such permits or approvals must contain a finding that operation of the permanent venue is consistent with the health, safety and welfare of the municipality;

(c)

The appropriate local agency has complied with the New York State Environmental Quality Review Act;

(d)

Any other applicable New York State or federal laws or regulations have been complied with;

(e)

The events are conducted on a parcel or parcels of property adequately sized to accommodate the persons anticipated to attend such events; and

(f)

Insurance has been obtained and is and will remain in effect. The County will be named as an additional insured (and a declaration page will be issued) for all events for 20,000 persons or more.

(2)

Submission of the approval and SEQRA materials and the required proof shall be deemed in compliance with §§ 1-5, 1-6 and 1-9 of this chapter and shall entitle the permanent venue operator to the issuance of a permit hereunder. The permit, once issued, will be permanent unless and until it is suspended or revoked.

B.

For each calendar year after the issuance of the permanent venue permit, the applicant shall file an affidavit with the Schuyler County Legislature, with copies to the County Administrator and the County Attorney, that details the events scheduled for that calendar year or anticipated to be scheduled, as well as documentation demonstrating that all of the information supplied to the county that lead to the issuance of the permanent venue permit are substantially the same, detailing any changes, and documentation demonstrating that all required approvals from any other municipality or agency have been reissued or are still in force and effect and that all insurance and sureties have been reissued or are still in force and effect. Upon submission of said documents, the County Administrator shall confirm in writing if the applicant is in continuing compliance with this within statute, said writing to be countersigned by the County Attorney. All required insurance and sureties, New York State permits, town or village permits or approvals and any other applicable New York State or federal laws, rules or regulations must be updated, obtained and/or complied with.

C.

The conduct of events under a permanent venue permit are subject to an annual review fee of \$1,500, which must be paid no later than 45 days prior to the first event of the calendar year. Said fee may be changed from time to time by resolution of the Schuyler County Legislature.

D.

This law hereby repeals and replaces Local Law No. 4 of the year 1973 in its entirety.

§ 1-15 Effective Date

A.

The effective date of this Local Law shall be January 1, 2011.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2010 of the (County)(City)(Town)(Village) of Schuyler was duly passed by the Legislature on September 13, 2010, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1____ above.

Shawn Husted

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 9/14/10

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Schuyler

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

W. J. Brown
Signature
County Attorney

Title

County
~~City~~ of Schuyler
~~Town~~
~~Village~~

Date: 9-14-10